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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,211	06/30/2000	Erik J. Kielin	LAR 15851-1-CU	8192

7590 08/21/2003
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EXAMINER


NGUYEN, CAM N

ART UNIT	PAPER NUMBER
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1754

DATE MAILED: 08/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/607,211	Applicant(s) Upchurch et al.	
	Examiner Cam Nguyen	Art Unit 1754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply
 A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
 - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 9/09/02 (an amendment/response & a declaration under 37 CFR 1.131)

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-24 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) 2-5, 9-11, and 15-24 is/are allowed.

6) ☒ Claim(s) 6-8 and 12-14 is/are rejected.

7) ☒ Claim(s) 1 is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some* c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 *See the attached detailed Office action for a list of the certified copies not received.

14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
 a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 6 6) ☐ Other:

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DETAILED ACTION

1. Applicants' remarks and amendments, filed on September 09, 2002, have been carefully considered. Claims 23-24 have been amended.

Claims 1-24 remain pending in the application.

Claim Objections

2. Claim 1 is objected to because of the following informalities:

In line 2, "where" should be changed to --wherein--.

In line 6, step (a), "where" should be changed to --wherein--.

In line 8, step (a), "where" should be changed to --wherein--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112 (Second Paragraph)

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 6-8 & 12-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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- A. Claim 6 recites the limitation "a first catalytic component" in line 1. There is insufficient antecedent basis for this limitation in the claim.
- B. Claim 7 recites the limitation "the first catalytic component" in line 1. There is insufficient antecedent basis for this limitation in the claim.
- C. Claim 8 recites the limitation "the first catalytic component" in line 1. There is insufficient antecedent basis for this limitation in the claim.
- D. Claim 12 recites the limitation "a third catalytic component" in line 1. There is insufficient antecedent basis for this limitation in the claim.
- E. Claim 13 recites the limitation "the third catalytic component" in line 1. There is insufficient antecedent basis for this limitation in the claim.
- F. Claim 14 recites the limitation "the third catalytic component" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Response to Amendment/Arguments

- 5. Applicants' amendment/response filed on 9/09/02 has been fully considered, but deemed not persuasive in view of the new ground of objections and rejections above.

Applicants submission of a Declaration under 37 C.F.R. 1.131 on 9/09/02 declared that the inventors conceived and reduced to practice in the United States the invention claimed is prior to December 16, 1997, which is the filing date of the U.S. Patent 6,132,694, overcomes and removes the art rejection made in previous office action.

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Conclusion

6. Claims 1-24 are pending. Claim 1 is objected. Claims 6-8 & 12-14 are rejected. Claims 2-5, 9-11, & 15-24 are allowed.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Cam Nguyen, whose telephone number is (703) 305-3923. The examiner can normally be reached on M-F from 8:30 am. to 6:00 pm, with alternative Monday off.

The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 (before finals) and (703) 872-9311 (after-final).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Nguyen/cnn *cm*

August 19, 2003

Cam Nguyen
Cam Nguyen

Patent Examiner

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